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FISCAL IMPACT STATEMENT

LS 6269

BILL NUMBER: SB 78

NOTE PREPARED: Jan 25, 2007

BILL AMENDED: Jan 23, 2007

SUBJECT: Sex and Violent Offender Registry

FIRST AUTHOR: Sen. M. Young

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It changes the name of the Sex Offender Registry to the "Sex and Violent Offender Registry" and requires persons convicted of murder or voluntary manslaughter to register on the Sex and Violent Offender Registry under the same conditions applying to registration by sex offenders.
- B. It adds a culpability standard to a criminal statute relating to the use of limited criminal histories.
- C. It provides that, after July 1, 2008, a state may not send an out-of-state probationer or parolee to Indiana who has been convicted of murder or is a sexually violent predator unless the person is subject to parole or probation for the remainder of the offender's life.
- D. It makes technical corrections.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Persons Convicted of Murder or Voluntary Manslaughter* – The number of ex-offenders who have been released and living in communities or on probation is not known. There are currently 155 offenders who are on parole who were incarcerated for murder and 46 on parole for voluntary manslaughter. These include the offenders who were sentenced in courts from other states and transferred to Indiana under the Interstate Compact. (See below for further explanation.) There are also 455 offenders who are projected to be released from DOC between 2007 and 2016 who are incarcerated for murder and 208 projected to be released who are incarcerated for manslaughter for the same period of time.

Out-of-State Probationers and Parolees – Under current law, Indiana has agreed to participate in an interstate compact to monitor adult offenders who are either on parole or probation when they move from one state to another. One of the agreements that Indiana made in entering this compact was to accept adult

probationers and parolees upon notice when they transfer into Indiana. There are currently no restrictions on the types of crimes for which the offender was convicted or the length of time that an offender would be required to be monitored and supervised. In turn, other states will accept offenders who are either on probation or parole when they wish to transfer from Indiana to another state.

As proposed, this bill would restrict offenders who are either on parole or probation from entering Indiana if the offender has been convicted of either murder, voluntary manslaughter, or an offense that would make the person a sexually violent predator. Offenses that make a person a sexually violent predator include the following.

Number of Convictions Needed to Automatically Be a Sexually Violent Predator By Offense and Felony Level				
Offense	Class A	Class B	Class C	Class D
Rape or criminal deviate conduct	First Time			
Child molesting	First Time		Prior	
Child exploitation			Prior	
Vicarious sex gratification involving fondling compelled by use of force, weapons, or drugs		First Time		
Vicarious sex gratification involving sexual intercourse compelled by use of force, weapons, or drugs	First Time			
Vicarious sex gratification involving fondling with child 14 or 15				Prior
Vicarious sex gratification involving fondling where child less than 14			First Time	
Vicarious sex gratification involving animals			First Time	
Sexual conduct in the presence of a minor				Prior
Child solicitation			Prior	
Child seduction				Prior
Sexual misconduct with a minor		Prior		
Incest		Prior		
Sexual battery			Prior	
Kidnaping of person younger than 18	Prior			
Criminal confinement of person less than 18			Prior	
Possession of child pornography				2 Priors
Attempt, conspiracy, related offenses in other jurisdictions		Prior		
First Time – First-time Offense; Prior – When offender has been convicted of committing one prior unrelated sex offense; 2 Priors - When offender has been convicted of committing two prior unrelated sex offenses.				

The Department of Correction and the Indiana Judicial Center, which monitor parolees and probationers respectively, report that the number of offenders who have moved into in Indiana from other states as of January 2007 included 35 for murder, 10 for voluntary manslaughter, and 93 that committed an offense that could make a person a sexually violent predator in Indiana. The table below shows the number of offenders by each state for both probation and parole.

The number of states that require an offender who is sentenced for either murder or a crime that would make a person a sexually violent predator in Indiana to be subject to lifetime supervision or monitoring is currently not available in published form. The Interstate Commission for Adult Offender Supervision will be conducting a survey of all states to determine how many currently require these offenders be subject to lifetime supervision or monitoring. This fiscal note will be updated when this information becomes available.

Number of Offenders in Indiana on Probation or Parole From Other States By Type of Crime				
<u>State</u>	<u>Murder</u>	<u>Sexually Violent Offense</u>	<u>Voluntary Manslaughter</u>	<u>Grand Total</u>
Alabama	1	1	2	4
Arizona	0	3	0	3
Arkansas	1	0	0	1
California	1	1	1	3
Colorado	0	0	1	1
Florida	3	21	0	24
Georgia	0	10	0	10
Illinois	2	2	1	5
Iowa	0	1	0	1
Kansas	1	1	0	2
Kentucky	6	5	3	14
Louisiana	1	1	0	2
Maryland	0	1	0	1
Michigan	6	11	1	18
Minnesota	0	1	0	1
Mississippi	0	1	0	1
Missouri	1	4	1	6
Montana	0	1	0	1
Nevada	0	1	0	1
New Mexico	0	1	0	1
North Carolina	3	1	0	4
Ohio	3	4	0	7
Oklahoma	0	1	0	1
Pennsylvania	1	0	0	1
Rhode Island	0	1	0	1
South Carolina	0	1	0	1
Tennessee	1	5	0	6
Texas	3	6	0	9
Virginia	1	0	0	1
Washington	0	1	0	1
West Virginia	0	1	0	1
Wisconsin	0	5	0	5
Grand Total	35	93	10	138

Sex and Violent Offender Registry – Renaming the Sex Offender Registry the Sex and Violent Offender Registry and requiring persons convicted of murder or voluntary manslaughter to register in the same manner as other sex offenders could have some indeterminable costs to the Department of Correction. This portion of the fiscal note will be updated when this information becomes available.

The Sex Offender Registry has two components for public use:

- a web page with the name, address, and picture of each offender and

- geographical information system component that shows each offender on maps of varying scale.

The Department of Correction coordinates with the Indiana Sheriffs' Association to input offender information into a database. DOC then contracts with APPRISS Inc. to develop this information into a series of web pages with information on the offender's name, address, and recent picture. The current contract with APPRISS for initial costs was \$173,000, and DOC has a continuing contract to pay \$4,000 per month for maintenance. This maintenance contract expires on January 22, 2008. DOC is in the process of renewing the contract.

The Office of the Attorney General contracts with MapMuse Inc. for developing the on-line maps of where sex offenders are located. The current contract for the services of Map Muse is \$42,100 and runs from January 31, 2005, to January 31, 2008.

Renegotiations with Vendors – To add a menu option for murder, DOC indicates it will have to do the following:

- Work with APPRISS to modify the entry routine used by local sheriffs and the DOC to register offenders. Either DOC or APPRISS would be required to work with MapMuse through the Attorney General's office to update mapping components of the site to include persons who have been convicted of murder.
- Modify the registry presentation of information to make this information available to the public like other persons on the Sex Offender Registry. This would require modifications by both APPRISS and MapMuse.
- Add components to the training agenda developed by DOC concerning how murder offenders should be registered by DOC and local sheriff department staff. Change public training materials available for justice professionals and the public.
- Update publication materials that explain the purposes and presentation of offender registration and registry efforts by including murder.

Any added costs to renegotiate the current contract with either of these vendors is currently not known, but will be updated when this information becomes available.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill would require lifetime registration by a person convicted of murder. Local law enforcement agencies would be required to visit the home of an ex-offender convicted and incarcerated for murder at least once per year. The Department of Correction received responses from eight local law enforcement agencies concerning a survey of the costs of registering and monitoring sex offenders. On average, each agency spent about \$52 for each registration visit.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction Parole Offices; Indiana Judicial Center.

Local Agencies Affected: Probation offices.

Information Sources: Department of Correction; Indiana Judicial Center; Interstate Commission for Adult Offender Supervision.

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